

The 29th January, 1987

No. 9/7/86-6Lab./10937.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of (i) Chief Conservator of Forest, Haryana, Chandigarh (ii) Divisional Forest Officer, Sonapat.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT,  
ROHTAK

Reference No. 195 of 1985

between

SHRI KRISHAN KUMAR, WORKMAN AND THE MANAGEMENT OF  
(I) CHIEF CONSERVATOR OF FOREST, HARYANA, CHANDIGARH  
(II) DIVISIONAL FOREST OFFICER, SONEPAT

Present :—

Petitioner in person.

None for the respondent.

#### AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the workman Shri Krishan Kumar and the management of (i) Chief Conservator of Forest, Haryana, Chandigarh, (ii) Divisional Forest Officer, Sonapat, to this court, for adjudication,—vide Haryana Government Gazette Notification No. 48112-118 dated 28th November, 1985 :—

Whether the termination of services of Shri Krishan Kumar is justified and in order? If not, to what relief is he entitled?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the petitioner is that he was posted as Mali-cum-Beldar in the month of August, 1979 by the Divisional Forest Officer, Sonapat and he was drawing a sum of Rs. 400 p. m. as wages as on 7th January, 1985, on which date, the respondent choose to terminate his services unlawfully without complying with the mandatory provisions of section 25F of the Industrial Disputes Act, 1947.

3. In the reply filed by the respondent, it is alleged that the office of the Divisional Forest Officer, Sonapat was constituted in the year 1974 and prior to that Sonapat fell within the jurisdiction of Divisional Forest Officer, Rohtak and that the petitioner was never appointed by the respondent as alleged and as such, there is no question of the respondent terminating the services of the petitioner.

4. On the pleadings of the parties, the following issue was framed by me on 7th March, 1986 :—

1. As pay terms of reference.

5. After the petitioner had closed his evidence and the case was posted for evidence of the respondent, none duly authorised by the respondent appeared in the court and as such, *ex-parte* proceedings order was passed against the respondent by me on 30th October, 1986.

6. In support of his claim, the petitioner appeared as WW-1 and made a statement completely in consonance with his claim. In corroboration he examined WW-2 Shri Daya Nand and WW-3 Shri Roop Chand. I, see no reason to disbelieve the un-rebutted statement made by the petitioner, which has been duly corroborated by two witnesses and find that the petitioner was appointed as a Mali-cum-Beldar with the respondent in the month of August, 1979 and that his services were terminated unlawfully on 7th January, 1985, because no prior notice or retrenchment compensation was paid to him as envisaged under section 25F of the Industrial Disputes Act, 1947, because as on that date i. e. the date of termination the petitioner had completed more than 240 days of actual work with the respondent and as such, his termination squarely fall within the ambit of term retrenchment as defined in section 2(oo) of the Industrial Disputes Act, 1947. So, the petitioner is ordered to be reinstated with continuity of service and full back wages. The reference is answered and returned accordingly with no order as to cost.

Dated, the 10th November, 1986.

B. P. JINDAL,  
Presiding Officer,  
Labour Court, Rohtak.  
Camp Court, Sonapat.

Endst. No. 195-85/dated 4th December, 1986.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947,

B. P. JINDAL,

Presiding Officer,  
Labour Court, Rohtak;  
Camp Court Sonapat.

The 9th February, 1987

No. 9/3/87-6 Lab./57.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s Industrial and Allied Products Corporation Plot No. 45, Sector 6, Faridabad. :—

IN THE COURT OF SHRI A. S. CHALIA, PRESIDING OFFICER, LABOUR COURT,  
FARIDABAD

Reference No. 360 of 1986

between

SHRI RAM SUMIRAN, WORKMAN AND THE RESPONDENT-MANAGEMENT OF M/S  
INDUSTRIAL AND ALLIED PRODUCTS CORPORATION, PLOT NO. 45, SECTOR 6,  
FARIDABAD.

Present :

Shri K. L. Sharma for the workman.

Shri K. P. Aggarwal for the respondent-management.

#### AWARD

This reference under section 10(i) (c) of Industrial Disputes Act, 1947 (Act No. 14 of 1947) as amended from time to time and latest by Act No. 49 of 1984 (hereinafter referred as the said Act) was made to this Court by the State of Haryana (Department of Labour),—*vide* its endorsement No. ID/FD/50/86/35430—35, dated 23rd April, 1986, to adjudicate upon the dispute of service matter covered by Second Schedule under section 7 of the said Act, arisen between Shri Ram Sumiran, workman and the respondent-management of M/s Industrial and Allied Products, Corporation, Plot No. 45, Sector 6, Faridabad. Accordingly, it has been registered as reference No. 360 of 1986.

2. Shri K.P. Aggarwal appearing on behalf of the respondent has produced on file photo stat copies of settlement and receipt also to the effect that matter in dispute has since been settled with the workman. To this effect he has made statement also. Worker has not turned up despite of adjournment granted in the case and as such it is presumed that he has settled the matter in dispute and received the payment. The reference is accordingly answered against the workman.

A. S. CHALIA,

Presiding Officer,  
Labour Court, Faridabad.

Dated the 3rd December, 1986.

Endst. No. 3113, dated the 17th December, 1986.

Forwarded (four copies), to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

A. S. CHALIA,

Presiding Officer,  
Labour Court, Faridabad.